

AMENDED IN ASSEMBLY APRIL 8, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 649

Introduced by Assembly Member Wiggins

February 19, 2003

An act to amend Section 103625 of the Health and Safety Code, and to amend Section 4646.5 of, and to add Chapter 13 (commencing with Section 4850) to Division 4.5 of, the Welfare and Institutions Code, relating to developmental disabilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 649, as amended, Wiggins. Developmental disabilities workforce service centers.

~~Existing law provides for services and supports for persons with developmental disabilities who live in the community.~~

~~This bill would state the intent of the Legislature, through the establishment of workforce services centers, to pursue workforce development, improve the quality of community-based services, create opportunities for persons with developmental disabilities to manage their own services, and create greater career opportunities in the developmental disabilities field.~~

The Lanterman Developmental Disabilities Services Act requires the State Department of Developmental Services to contract with private nonprofit entities known as regional centers, who are required to provide, or arrange for the provision of, services and supports for persons with developmental disabilities.

Existing law requires the development of an individual program plan for an individual with developmental disabilities eligible for regional

center services. Existing law requires the individual program plan to include various components and the performance of specified activities.

This bill would require that the individual program plan also include the opportunity for persons with developmental disabilities and their families to select a self-determination mode of service delivery, as defined.

Under existing law, services are also provided to persons with developmental disabilities and their families by area boards on developmental disabilities, which serve specific geographic regions of the state, and to individuals with disabilities, as defined, under programs administered by the Department of Rehabilitation, which provide vocational rehabilitation services.

This bill would create, as local area agencies that are not a part of the executive branch of the state government, workforce service centers to serve each of the geographic regions served by area boards on developmental disabilities. The bill would require that each workforce service center be governed by a board with a specified membership.

The bill would require a workforce services center to perform various functions with respect to personnel providing, or qualified to provide, services vendorized by regional centers or the Department of Rehabilitation. These functions would include recruiting, arranging for the screening of, developing a registry of, and referring these persons. In addition, the bill would require a workforce service center to employ personnel from the registry to provide services that are to be reimbursed by a regional center, the Department of Rehabilitation, or the State Department of Developmental Services and be the employer of certain persons in the registry for purposes of workers' compensation, unemployment insurance, and labor relations.

The bill would require the State Department of Developmental Services to establish job classifications for center employees with education and training requirements for each classification.

The bill would, for purposes of funding first year planning and organizational startup costs of the bill, authorize a center to seek and accept grants and donations of funds, space, and supplies and seek available grants from the federal medicaid program for improvements of program administration.

The bill would specify various requirements of the California Health and Human Services Agency with respect to establishing fund transfer procedures to utilize funds allocated to departments within the agency for the purposes of the bill, meeting with federal officials, along with



other state entities, to inform the officials of changes made by the bill and explore ways of securing federal financial participation, and reporting annually to the appropriate committees of the Legislature on progress made to improve federal support.

The Child Abuse and Neglect Reporting Act requires designated professionals that have contact with children called mandated reporters to report known or suspected child abuse or neglect, as prescribed. In addition, the Elder Abuse and Dependent Adult Civil Protection Act provides that any person who assumes full or intermittent responsibility for the care or custody of an elder or dependent adult is a mandated reporter who is required to report known or suspected abuse of an elder or dependent adult, as prescribed.

Existing law requires a mandated reporter, with certain exceptions, prior to commencing employment and as a prerequisite to that employment, to sign a statement on a form provided by his or her employer that he or she has knowledge of the reporting requirements and will comply.

This bill would make each employee of a center a mandated reporter for purposes of these provisions.

Existing law requires applicants for a certified copy of a birth certificate to pay a fee.

This bill would require these applicants, with certain exceptions, to pay an additional \$9 fee for a certified copy of a birth certificate. With the exception of administrative costs retained by local officials, these fees would be deposited into the Developmental Disabilities Workforce Development Fund, which the bill would establish in the State Treasury, to be expended by the department, upon appropriation by the Legislature, to implement the bill. The bill would impose a state tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

Because this bill would impose duties on local officials charged with the collections and transmission of the fees, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.



Vote: ~~majority~~ ²/₃. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 103625 of the Health and Safety Code*
2 *is amended to read:*

3 103625. (a) A fee of three dollars (\$3) shall be paid by the
4 applicant for a certified copy of a fetal death or death record.

5 (b) (1) A fee of three dollars (\$3) shall be paid by a public
6 agency or licensed private adoption agency applicant for a
7 certified copy of a birth certificate that the agency is required to
8 obtain in the ordinary course of business. A fee of seven dollars
9 (\$7) shall be paid by any other applicant for a certified copy of a
10 birth certificate. Four dollars (\$4) of any seven-dollar (\$7) fee is
11 exempt from subdivision (e) and shall be paid either to a county
12 children's trust fund or to the State Children's Trust Fund, in
13 conformity with Article 5 (commencing with Section 18965) of
14 Chapter 11 of Part 6 of Division 9 of the Welfare and Institutions
15 Code.

16 (2) *In addition to the fee required pursuant to paragraph (1),*
17 *an additional fee of nine dollars (\$9) shall be paid by an applicant*
18 *that is not a public agency or licensed private adoption agency, for*
19 *a certified copy of a birth certificate. This fee shall be exempt from*
20 *subdivision (e). The local officials charged with the collection and*
21 *transmission of this fee may retain an amount necessary to cover*
22 *the costs of collection and transmission. The remainder of the fee*
23 *amount shall be transmitted monthly by each local registrar and*
24 *county recorder to the state for deposit into the Developmental*
25 *Disabilities Workforce Development Fund as provided by Section*
26 *4871 of the Welfare and Institutions Code.*

27 (3) The board of supervisors of any county that has established
28 a county children's trust fund may increase the fee for a certified
29 copy of a birth certificate by up to three dollars (\$3) for deposit in
30 the county children's trust fund in conformity with Article 5
31 (commencing with Section 18965) of Chapter 11 of Part 6 of
32 Division 9 of the Welfare and Institutions Code.

33 (c) A fee of three dollars (\$3) shall be paid by a public agency
34 applicant for a certified copy of a marriage record, that has been
35 filed with the county recorder or county clerk, that the agency is

1 required to obtain in the ordinary course of business. A fee of six
2 dollars (\$6) shall be paid by any other applicant for a certified copy
3 of a marriage record that has been filed with the county recorder
4 or county clerk. Three dollars (\$3) of any six-dollar (\$6) fee is
5 exempt from subdivision (e) and shall be transmitted monthly by
6 each local registrar, county recorder, and county clerk to the state
7 for deposit into the General Fund as provided by Section 1852 of
8 the Family Code.

9 (d) A fee of three dollars (\$3) shall be paid by a public agency
10 applicant for a certified copy of a marriage dissolution record
11 obtained from the State Registrar that the agency is required to
12 obtain in the ordinary course of business. A fee of six dollars (\$6)
13 shall be paid by any other applicant for a certified copy of a
14 marriage dissolution record obtained from the State Registrar.

15 (e) Each local registrar, county recorder, or county clerk
16 collecting a fee pursuant to subdivisions (a) to (d), inclusive, shall
17 transmit 15 percent of the fee for each certified copy to the State
18 Registrar by the 10th day of the month following the month in
19 which the fee was received.

20 (f) In addition to the fees prescribed pursuant to subdivisions
21 (a) to (d), inclusive, all applicants for certified copies of the
22 records described in those subdivisions shall pay an additional fee
23 of three dollars (\$3), that shall be collected by the State Registrar,
24 the local registrar, county recorder, or county clerk, as the case may
25 be.

26 (g) The local public official charged with the collection of the
27 additional fee established pursuant to subdivision (f) may create
28 a local vital and health statistics trust fund. The fees collected by
29 local public officials pursuant to subdivision (f) shall be
30 distributed as follows:

31 (1) Forty-five percent of the fee collected pursuant to
32 subdivision (f) shall be transmitted to the State Registrar.

33 (2) The remainder of the fee collected pursuant to subdivision
34 (f) shall be deposited into the collecting agency's vital and health
35 statistics trust fund, except that in any jurisdiction in which a local
36 vital and health statistics fund has not been established, the entire
37 amount of the fee collected pursuant to subdivision (f) shall be
38 transmitted to the State Registrar.

39 (3) Moneys transmitted to the State Registrar pursuant to this
40 subdivision shall be deposited in accordance with Section 102247.

(h) Moneys in each local vital and health statistics trust fund shall be available to the local official charged with the collection of fees pursuant to subdivision (f) for the applicable jurisdiction for the purpose of defraying the administrative costs of collecting and reporting with respect to those fees and for other costs as follows:

(1) Modernization of vital record operations, including improvement, automation, and technical support of vital record systems.

(2) Improvement in the collection and analysis of health-related birth and death certificate information, and other community health data collection and analysis, as appropriate.

(i) Funds collected pursuant to subdivision (f) shall not be used to supplant funding in existence on January 1, 2002, that is necessary for the daily operation of vital record systems. It is the intent of the Legislature that funds collected pursuant to subdivision (f) be used to enhance service to the public, to improve analytical capabilities of state and local health authorities in addressing the health needs of newborn children and maternal health problems, and to analyze the health status of the general population.

(j) Each county shall annually submit a report to the State Registrar by March 1 containing information on the amount of revenues collected pursuant to subdivision (f) in the previous calendar year and on how the revenues were expended and for what purpose.

(k) Each local registrar, county recorder, or county clerk collecting the fee pursuant to subdivision (f) shall transmit 45 percent of the fee for each certified copy to which subdivision (f) applies to the State Registrar by the 10th day of the month following the month in which the fee was received.

(l) The additional three dollars (\$3) authorized to be charged to applicants other than public agency applicants for certified copies of marriage records by subdivision (c) may be increased pursuant to Section 114.

(m) In providing for the expiration of the surcharge on birth certificate fees on June 30, 1999, the Legislature intends that juvenile dependency mediation programs pursue ancillary funding sources after that date.

1 *SEC. 2. Section 4646.5 of the Welfare and Institutions Code*
2 *is amended to read:*

3 4646.5. (a) The planning process for the individual program
4 plan described in Section 4646 shall include all of the following:

5 (1) Gathering information and conducting assessments to
6 determine the life goals, capabilities and strengths, preferences,
7 barriers, and concerns or problems of the person with
8 developmental disabilities. For children with developmental
9 disabilities, this process should include a review of the strengths,
10 preferences, and needs of the child and the family unit as a whole.
11 Assessments shall be conducted by qualified individuals and
12 performed in natural environments whenever possible.
13 Information shall be taken from the consumer, his or her parents
14 and other family members, his or her friends, advocates, providers
15 of services and supports, and other agencies. The assessment
16 process shall reflect awareness of, and sensitivity to, the lifestyle
17 and cultural background of the consumer and the family.

18 (2) A statement of goals, based on the needs, preferences, and
19 life choices of the individual with developmental disabilities, and
20 a statement of specific, time-limited objectives for implementing
21 the person's goals and addressing his or her needs. These
22 objectives shall be stated in terms that allow measurement of
23 progress or monitoring of service delivery. These goals and
24 objectives should maximize opportunities for the consumer to
25 develop relationships, be part of community life in the areas of
26 community participation, housing, work, school, and leisure,
27 increase control over his or her life, acquire increasingly positive
28 roles in community life, and develop competencies to help
29 accomplish these goals.

30 (3) When developing individual program plans for children,
31 regional centers shall be guided by the principles, process, and
32 services and support parameters set forth in Section 4685.

33 (4) A schedule of the type and amount of services and supports
34 to be purchased by the regional center or obtained from generic
35 agencies or other resources in order to achieve the individual
36 program plan goals and objectives, and identification of the
37 provider or providers of service responsible for attaining each
38 objective, including, but not limited to, vendors, contracted
39 providers, generic service agencies, and natural supports. The plan
40 shall specify the approximate scheduled start date for services and

1 supports and shall contain timelines for actions necessary to begin
2 services and supports, including generic services.

3 (5) When agreed to by the consumer, the parents or legally
4 appointed guardian of a minor consumer, or the legally appointed
5 conservator of an adult consumer or the authorized representative,
6 including those appointed pursuant to Section 4590 and
7 subdivision (e) of Section 4705, a review of the general health
8 status of the adult or child including a medical, dental, and mental
9 health needs shall be conducted. This review shall include a
10 discussion of current medications, any observed side effects, and
11 the date of last review of the medication. Service providers shall
12 cooperate with the planning team to provide any information
13 necessary to complete the health status review. If any concerns are
14 noted during the review, referrals shall be made to regional center
15 clinicians or to the consumer's physician, as appropriate.
16 Documentation of health status and referrals shall be made in the
17 consumer's record by the service coordinator.

18 (6) A schedule of regular periodic review and reevaluation to
19 ascertain that planned services have been provided, that objectives
20 have been fulfilled within the times specified, and that consumers
21 and families are satisfied with the individual program plan and its
22 implementation.

23 (7) *The opportunity, in all regions of the state, for persons with*
24 *developmental disabilities and their families or guardians to*
25 *control decisions and resources in accordance with the individual*
26 *program plan by selecting a self-determination mode of service*
27 *delivery for all or a portion of the services prescribed in the*
28 *individual program plan. For purposes of this paragraph,*
29 *"self-determination mode of service delivery," includes, but is not*
30 *limited to, all of the following components:*

31 (A) *Programs that provide for consumer and family control*
32 *over which services best meet their needs and the objectives in the*
33 *individual program plan.*

34 (B) *Programs that provide allowances or subsidies to*
35 *consumers and their families.*

36 (C) *Programs providing for the use of debit cards.*

37 (D) *Programs that provide for the utilization of parent vendors,*
38 *direct pay options, individual budgets for the procurement of*
39 *services and supports, alternative case management, and*
40 *vouchers.*

1 (E) *Wraparound programs.*

2 (b) For all active cases, individual program plans shall be
3 reviewed and modified by the planning team, through the process
4 described in Section 4646, as necessary, in response to the person's
5 achievement or changing needs, and no less often than once every
6 three years. If the consumer or, where appropriate, the consumer's
7 parents, legal guardian, or conservator requests an individual
8 program plan review, the individual program shall be reviewed
9 within 30 days after the request is submitted.

10 (c) (1) The department, with the participation of
11 representatives of a statewide consumer organization, the
12 Association of Regional Center Agencies, an organized labor
13 organization representing service coordination staff, and the
14 Organization of Area Boards shall prepare training material and a
15 standard format and instructions for the preparation of individual
16 program plans, which embodies an approach centered on the
17 person and family.

18 (2) Each regional center shall use the training materials and
19 format prepared by the department pursuant to paragraph (1).

20 (3) The department shall biennially review a random sample of
21 individual program plans at each regional center to assure that
22 these plans are being developed and modified in compliance with
23 Section 4646 and this section.

24 SEC. 3. Chapter 13 (commencing with Section 4850) is added
25 to Division 4.5 of the Welfare and Institutions Code, to read:

26
27 CHAPTER 13. WORKFORCE SERVICE CENTERS
28

29 ~~4850. It is the intent of the Legislature, through the~~
30 ~~establishment of workforce service centers in accordance with this~~
31 ~~chapter, to do all of the following:~~

32 ~~(a) Pursue workforce development in the community-based~~
33 ~~system.~~

34 ~~(b) Improve the quality and availability of needed~~
35 ~~community-based services by building a more stable, better~~
36 ~~trained, and better compensated workforce.~~

37 ~~(c) Create additional opportunities for consumers in the~~
38 ~~community-based system to manage their own services through~~
39 ~~self-determination.~~

~~(d) Create greater career opportunities in the developmental disability services field and prepare personnel for the future needs of the community-based system.~~

Article 1. General Provisions

4850. (a) *The Legislature finds and declares all of the following:*

(1) *The Lanterman Developmental Disabilities Services Act, developed and enacted by the Legislature in 1969 and as amended in 1977, establishes the rights of Californians with developmental disabilities to state-supported services in their home communities.*

(2) *The state's obligation to provide necessary and adequate services to persons with developmental disabilities is stated in Section 4501 and implementation of this obligation requires an available and competent workforce.*

(3) *The State Council on Developmental Disabilities, in its 2001 Annual Report and its state plan for calendar years 2002–06, inclusive, states that many people are unable to secure the services they need because of the lack of trained and available service workers and the council identifies this chronic workforce crisis in the developmental disabilities community system as the most serious obstacle to fulfilling the promise of the Lanterman Developmental Disabilities Services Act.*

(4) *At the direction of the Legislature, the Bureau of State Audits conducted a detailed review in 1999 of the developmental disabilities system and found that inadequate wages and benefits paid to workers in the system's community programs resulted in a high worker turnover rate and a lack of continuity in the provision of services that compromises the statutory entitlement to services of good quality.*

(5) *An audit of California's developmental disabilities community system conducted by the federal Health Care Financing Administration determined that the health and safety of people receiving services was in jeopardy because of the poor quality of some programs and system deficiencies, and as a result, California did not receive millions of dollars in potential federal financial participation to support community services.*

(6) *The administration of human resources in California is scattered among thousands of agencies and there is no coordinated*

1 *plan or clearly defined responsibility or accountability for*
2 *workforce administration and workforce development.*

3 *(7) A more organized developmental disabilities system with*
4 *increased consolidation of worker recruitment, screening,*
5 *training, and the administration of payroll, benefits, and*
6 *insurance would improve efficiency and generate cost savings.*

7 *(8) The developmental disabilities community system, which*
8 *now serves more than 183,000 people and employs approximately*
9 *100,000 workers, is projected to double in size over the next 20*
10 *years, but there is no means of preparing personnel in tandem with*
11 *these growing service requirements.*

12 *(b) It is the intent of the Legislature, through the provisions of*
13 *this chapter, to make structural changes in the community system*
14 *for persons with developmental disabilities that will, over time, do*
15 *all of the following:*

16 *(1) Create a more stable, better trained, adequately*
17 *compensated workforce that will provide good services, meet the*
18 *current and future workforce requirements of the California*
19 *system, and enable persons with developmental disabilities to*
20 *improve their quality of life.*

21 *(2) Provide greater accountability and efficiency through the*
22 *improvement of human resources administration.*

23 *(3) Expand opportunities for persons with developmental*
24 *disabilities and their families to manage their own service*
25 *arrangements and secure the services and supports they need.*

26 *(4) Clearly designate responsibility at the state and local levels*
27 *for workforce planning, management, and development.*

28 *(c) It is further the intent of the Legislature to have the*
29 *structural changes required by this chapter phased in over time to*
30 *ensure an orderly transition to a new system and to track costs and*
31 *cost tradeoffs. It is also the intent of the Legislature that the*
32 *administrative cost of workforce services centers established*
33 *under this chapter be cost neutral to the General Fund and that any*
34 *added costs for initial planning and implementation be funded*
35 *from existing resources within the department and sources other*
36 *than the General Fund.*

37 *4850.5. For purposes of this chapter, the following definitions*
38 *shall apply:*

1 (a) “Area board” means an area board on developmental
2 disabilities described in Article 6 (commencing with Section 4543)
3 of Chapter 2.

4 (b) “Center” means a workforce services center as established
5 under this chapter.

6 (c) “Department” means the State Department of
7 Developmental Services.

8 (d) “Director” means the State Director of Developmental
9 Services.

10 (e) “Program manager” means an agency or individual from
11 which a regional center is purchasing services for a person with
12 developmental disabilities.

13 (f) “Self-determination” means a mode of service delivery that
14 enables persons with developmental disabilities and their families
15 to control decisions and resources in accordance with their
16 individual program plans, as described in paragraph (7) of
17 subdivision (a) of Section 4646.5.

18 (g) “Vendorized” means a program or service authorized for
19 reimbursement pursuant to Chapter 3 (commencing with Section
20 54000) of Division 2 of Title 17 of the California Code of
21 Regulations.

22
23 Article 2. Workforce Services Centers
24

25 4851. (a) There are hereby created, as local area agencies,
26 and not as a part of the executive branch of the state government,
27 workforce services centers. There shall be one workforce services
28 center to serve each of the geographic regions designated pursuant
29 to Article 6 (commencing with Section 4543) for service by area
30 boards on developmental disabilities.

31 (b) The State Department of Developmental Services shall
32 provide technical support to the workforce services centers as may
33 be needed to ensure that they operate in compliance with the
34 requirements and purposes of this chapter. The department may
35 establish and convene advisory committees when needed to assist
36 in the statewide implementation of this chapter. The department
37 may call upon the Department of Rehabilitation, the Department
38 of Personnel Administration, state community colleges, and any
39 other local, state, or federal agency to assist in meeting the
40 requirements of this chapter.

1 4852. *Each workforce services center may do all of the*
2 *following:*

3 (a) *Accept grants, contributions, reimbursements, payments,*
4 *and appropriations from any public agency, private foundation, or*
5 *individual.*

6 (b) *Appoint committees from its board and appoint advisory*
7 *committees from other interested public and private groups and*
8 *individuals.*

9 (c) *Employ staff to carry out its functions, including personnel*
10 *to provide direct services to persons with developmental*
11 *disabilities. When employing personnel or contracting for*
12 *services, the center shall give the highest priority, consistent with*
13 *law, to employing persons with disabilities and contracting with*
14 *agencies and businesses that employ persons with disabilities.*

15 (d) *Contract for necessary professional services required.*

16 (e) *Do any and all other things necessary to carry out the*
17 *purposes of this chapter.*

18 4853. (a) *Each center shall be governed by a nine-member*
19 *board of voting directors. Six members shall be appointed by the*
20 *area board located in the region being served by the center and*
21 *three members shall be appointed by the director, in accordance*
22 *with subdivision (b).*

23 (b) *Members of the center board shall be selected and*
24 *appointed no later than January 1, 2005, as follows:*

25 (1) *Each area board shall conduct a search for prospective*
26 *members of the center board in their own region. They shall*
27 *request nominations from regional centers, vendorized providers*
28 *of service, and organizations representing persons with*
29 *developmental disabilities. An area board shall verify that all*
30 *persons nominated by the area board reside in that board's region*
31 *and have demonstrated leadership in activities of benefit to*
32 *persons with disabilities.*

33 (2) *Each area board shall appoint to the center board, from its*
34 *list of nominees, three members who are persons with*
35 *developmental disabilities who are receiving services in*
36 *community-based programs and three members who are parents,*
37 *family members, guardians, or conservators of persons with*
38 *developmental disabilities who are receiving services in*
39 *community-based programs. Of the six initial appointees*
40 *appointed by each area board pursuant to this paragraph, two*

1 shall serve for one year, two shall serve for two years, and two shall
2 serve for three years. Subsequent appointees shall serve for three
3 years.

4 (3) Each area board shall forward to the director the names and
5 resumes of nominees who have expertise in human resource
6 management, administration of service programs, training of
7 professionals or paraprofessionals, or other areas pertinent to the
8 work of the center. The director shall appoint three board members
9 to each center from these professional member nominees. Of the
10 three initial appointees first appointed, one shall serve for one
11 year, one shall serve for two years, and one shall serve for three
12 years. Subsequent appointees shall serve for three years.

13 4854. Members of the board of directors of a center shall serve
14 without compensation, but shall be reimbursed for all necessary
15 expenses related to the performance of their duties as board
16 members. Persons with developmental disabilities serving as
17 board members shall receive all the supportive services they may
18 require to enable them to participate fully as members of the board.
19 If necessary, their individual program plans shall be amended to
20 assure provision of the supportive services required.

21 4855. Each center shall employ an executive director who
22 shall administer the affairs and responsibilities of the center,
23 subject to the policy direction of the center board. The executive
24 director shall hire employees necessary to carry out the functions
25 of the center and perform other services as directed by the center
26 board.

27

28 Article 3. Functions of Workforce Services Centers

29

30 4856. A center shall perform the following functions with
31 regard to personnel providing, or qualified to provide, services
32 vendorized by regional centers or the Department of
33 Rehabilitation, subject to the exceptions set forth in subdivision (c)
34 of Section 4857:

35 (a) Recruit and arrange for any necessary screening of persons
36 to provide services to persons with developmental disabilities in
37 accordance with their individual program plans.

38 (b) Develop a registry of, and enroll in the center, persons
39 qualified to provide state-funded services to persons with
40 developmental disabilities.



1 (c) (1) Refer personnel from the registry to persons with
2 developmental disabilities for services that are to be reimbursed
3 by a regional center, the Department of Rehabilitation, or the
4 department. These referrals may be made directly to persons with
5 developmental disabilities or their representatives where the
6 individual program plan provides for a self-determination mode of
7 service delivery or to program managers providing developmental
8 services. In making these referrals, a center shall develop
9 procedures whereby referred personnel meet the needs of the
10 individuals to be served, as expressed by those individuals and as
11 set forth in their individual program plans.

12 (2) Persons with developmental disabilities and program
13 managers may elect to receive services from personnel who are not
14 referred to them by a center pursuant to paragraph (1). The person
15 receiving services or his or her agent, or the program manager,
16 shall immediately refer the personnel to a center for inclusion on
17 the registry, and for purposes of subdivisions (d), (e), and (f).
18 During the transition period, referrals shall be made according to
19 the timetable set forth in Section 4857.

20 (d) Upon the selection of personnel by a person with
21 developmental disabilities in the self-determination mode of
22 service delivery or his or her agent, or by a program manager,
23 employ personnel selected from the registry to provide services
24 that are to be reimbursed by a regional center, the Department of
25 Rehabilitation, or the department. Persons with developmental
26 disabilities and program managers shall retain the right to select
27 personnel, assign work tasks and schedules, supervise the work of,
28 and evaluate personnel providing services to them or in their
29 programs, and to determine whether or not to retain the personnel
30 to provide those services.

31 (e) For personnel employed as provided for in subdivision (d),
32 be the employer for purposes of Chapter 10 (commencing with
33 Section 3500) of Division 4 of Title 1 of the Government Code,
34 workers' compensation, unemployment insurance, and labor
35 relations. A center shall be deemed not to be the employer of
36 personnel referred to persons using a self-determination mode of
37 service delivery or program managers for purposes of liability due
38 to the negligence or intentional torts of the personnel.

39 (f) Arrange for or develop programs to train personnel and
40 establish education-linked career paths.

1 (g) Be responsible for payroll functions and may broker
2 services when required by persons using a self-determination
3 mode of service delivery.

4 4857. (a) The functions of centers under this chapter and the
5 enrollment of workers in the centers shall be phased in over time
6 as provided in this section to allow for an orderly transition to the
7 new system, provide sufficient time to develop administrative
8 procedures, respond to the varied needs of different service
9 programs, and to secure the necessary funding supports.

10 (b) The following activities shall be conducted by January 1,
11 2005:

12 (1) The centers shall be established as required in Sections
13 4853, 4854, and 4855.

14 (2) Fund transfer and other administrative procedures shall be
15 determined as specified in Section 4866.

16 (3) Guidelines for compensation shall be prepared pursuant to
17 Section 4865.

18 (4) Job classifications and related training requirements shall
19 be determined pursuant to subdivisions (b) and (d) of Section
20 4864.

21 (5) The service broker procedures required for statewide
22 implementation of the self-determination mode of service delivery
23 shall be established.

24 (6) Funding supports shall be obtained pursuant to the
25 requirements of Sections 4869, 4870, and 4871.

26 (c) The following activities shall be conducted by January 1,
27 2006:

28 (1) Centers shall implement the provisions of subdivisions (d),
29 (e), and (f) of Section 4856 for all personnel who are providing
30 services to persons using a self-determination mode of service
31 delivery. When needed, a center shall also provide payroll and
32 service broker services to these persons.

33 (2) Centers shall improve the organization and accountability
34 of respite services by implementing the provisions of subdivisions
35 (d), (e), and (f) of Section 4856 for all in-home respite workers.

36 (3) Centers shall initiate the enrollment of workers who are
37 employed by agencies by notifying workers and agencies
38 providing services to persons with developmental disabilities in
39 the centers' regions about the opportunities available through the
40 centers and about the procedures and requirements for enrollment.

(d) By January 1, 2007, centers shall implement the provisions of subdivisions (d), (e), and (f) of Section 4856 for personnel providing services vendorized by regional centers or the Department of Rehabilitation. This section shall apply to all personnel employed by a vendorized agency except for agency directors, managerial employees, contract consultants, workers whose services for persons with developmental disabilities constitute less than 50 percent of their responsibilities, and workers whose services do not involve person-to-person contact with persons with developmental disabilities. Enrollment of these classes of workers in the center shall be optional and available upon the request for enrollment. Completion of the procedures for enrollment of personnel in the centers shall be a condition of vendorization after January 1, 2007.

4858. Any person utilizing a self-determination mode of service delivery and program managers may continue to use the personnel employed by them prior to the transfer of employment status to a center. These persons shall continue to have the right to supervise, assign tasks and schedules, select workers, and retain or not retain these employees. These employees shall be referred to the appropriate center by the dates specified in Section 4857 for inclusion in the registry and for purposes of paragraph (2) of subdivision (c) and subdivisions (d) and (e) of Section 4856.

4860. (a) The department shall determine the best ways of utilizing the large group purchasing power of centers to minimize the costs of employee health insurance, workers' compensation, liability insurance, and unemployment insurance. Based upon the department's analysis, the centers may each be authorized to purchase insurance benefits or may be linked together as a statewide association if necessary to achieve cost savings derived from economies of scale.

(b) A center, pursuant to Section 802 of the Unemployment Insurance Code, may elect to finance its liability for unemployment compensation benefits, extended duration benefits, and federal-state extended benefits with respect to the services of the center's employees, including personnel providing direct care services to persons with developmental disabilities, by any method of financing coverage that is permitted under Section 803 of the Unemployment Insurance Code.

1 (c) A center may elect to finance its liability for workers'
2 compensation benefits with respect to the services of the center's
3 employees, including personnel providing direct care services to
4 persons with developmental disabilities, by self-insuring as
5 permitted under Section 3700 of the Labor Code.

6 (d) A center may require a program manager to contribute to
7 the costs of financing benefits pursuant to subdivisions (b) and (c)
8 in the event that there has been a history of above average costs
9 associated with benefits provided to center personnel providing
10 services to the program manager.

11 4861. (a) A center shall recruit prospective employees and
12 shall create a pool of potential full- and part-time workers in the
13 center registry.

14 (b) A center shall carry out a recruitment plan, including
15 advertisement of work and career opportunities in the
16 developmental services field.

17 (c) For recruitment purposes, a center shall work with regional
18 occupational centers and programs, local workforce investment
19 boards, local media, high schools and colleges in its region,
20 CalWORKs and other employment training and job placement
21 programs, organizations representing persons with developmental
22 disabilities, regional centers, and university programs that train
23 health care, recreation, speech, and other therapists and
24 professionals.

25 (d) A center shall recruit and employ persons with disabilities
26 in the center and as workers in the developmental services system.

27 (e) Nothing in this section shall be construed to prevent persons
28 using a self-determination mode of service delivery or program
29 managers from conducting their own recruitment activities or from
30 selecting workers from outside a center registry. The enrollment of
31 these workers in a center shall conform to paragraph (2) of
32 subdivision (c) of Section 4856.

33 4862. (a) A center shall arrange for background checks of
34 prospective employees. If a person with developmental disabilities
35 receiving community-based services chooses to select a worker
36 who does not meet all the standards, the center may waive
37 requirements with regard to services to be provided to that
38 individual.

39 (b) A center shall maintain a registry file for each worker in the
40 center registry. Registry files shall be made available to program

1 *managers or persons using a self-determination mode of service*
2 *delivery for selecting workers. The files shall include summaries*
3 *of previous employment, work experience, skills, education, and*
4 *training. Workers shall have access to their registry files and shall*
5 *have the right to include rebuttal statements in their files.*

6 *(c) Every employee of a center is a mandated reporter for*
7 *purposes of Section 11165.7 of the Penal Code and Section 15630*
8 *governing the reporting of abuse and neglect of children and*
9 *adults. The center and each employee shall comply with the*
10 *requirements of the Child Abuse and Neglect Reporting Act,*
11 *Article 2.5 (commencing with Section 11164) of Chapter 2 of Title*
12 *1 of Part 4 of the Penal Code, and the Elder Abuse and Dependent*
13 *Adult Civil Protection Act, Chapter 11 (commencing with Section*
14 *15600) of Part 3 of Division 8.5, applicable to mandated reporters.*

15 *4863. (a) When program managers or persons using a*
16 *self-determination mode of service delivery choose not to retain a*
17 *worker who is enrolled in a center, or when that worker chooses to*
18 *leave a program, the center shall assist the worker in finding*
19 *suitable work as soon as is feasible. Workers shall not be paid*
20 *wages unless they are working.*

21 *(b) Workers enrolled in a center who are waiting to be referred*
22 *to a job shall be given the opportunity to work as emergency or*
23 *substitute staff for programs or persons who may have short-term,*
24 *unanticipated, or temporary staffing needs. The center shall*
25 *maintain close connections with all programs in the region in*
26 *order to provide staff when needed and to provide employment for*
27 *underutilized workers.*

28 *4864. (a) It is the intent of the Legislature to build a stable,*
29 *well-trained, and competent statewide workforce capable of*
30 *providing quality services to persons with developmental*
31 *disabilities, now and in the future. In order to achieve this goal,*
32 *new opportunities for career development shall be established in*
33 *centers, with guidance and technical support from the department.*
34 *Career development activities shall include the establishment of*
35 *job classifications, with performance, training, and experience*
36 *requirements linked to graded levels of wage compensation, as is*
37 *common in most professional fields.*

38 *(b) The department shall establish job classifications for center*
39 *employees with education and training requirements for each*
40 *classification. Job classifications and training requirements shall*

1 *be promulgated by the department as soon as possible, but not*
2 *later than January 1, 2005. Thereafter, centers shall be responsible*
3 *for the development of the necessary training programs for their*
4 *employees.*

5 *(c) (1) A center shall make every effort to utilize existing*
6 *training and education resources in the center's region including,*
7 *but not limited to, regional occupational centers and programs,*
8 *and adult education, community college, and state university*
9 *resources. When necessary, the centers may supplement these with*
10 *training organized by the centers. All training shall make the*
11 *fullest use possible of persons with developmental disabilities, as*
12 *trainers, teachers, and curriculum designers.*

13 *(2) Training programs shall be initiated by each center as soon*
14 *as feasible. Nothing in this section shall be construed to prevent*
15 *program managers from offering training for workers in their*
16 *programs.*

17 *(d) The department, when carrying out the responsibilities*
18 *described in this section, shall review and build upon the studies*
19 *and suggestions developed for the department's service delivery*
20 *reform report of 2001, the code of ethics prepared by the National*
21 *Alliance for Direct Support Professionals, and other training*
22 *materials in use in California and other states with advanced*
23 *community services systems. The department, prior to establishing*
24 *job classification and training requirements pursuant to this*
25 *section, shall confer with federal officials in the Centers for*
26 *Medicare and Medicaid Services to assure compliance with*
27 *federal standards and expectations for the development of a*
28 *quality workforce.*

29 *4865. (a) The department shall prepare guidelines to assist*
30 *the centers in setting compensation levels for the job*
31 *classifications developed pursuant to subdivision (b) of Section*
32 *4864. Those guidelines shall emphasize the importance of all of the*
33 *following factors:*

34 *(1) Increased compensation levels according to education,*
35 *training, and experience.*

36 *(2) Matching compensation levels for workers providing*
37 *similar services in other settings.*

38 *(3) Establishing a starting wage sufficient to attract workers to*
39 *the developmental services field, compete with other industries,*
40 *retain personnel, and reduce the turnover rate.*

(4) Adjusting for the cost of living in various regions of the state.

(b) The department shall provide to centers the assistance and guidance necessary to ensure that the schedule of wages in each region is prepared annually in time for consideration in the Governor's Budget proposal. The final decision on wage compensation for workers employed by a center shall be contained in the annual Budget Act or appropriations by statute. A center may propose interim wage scales prior to the establishment of a complete wage compensation schedule for all job classifications.

(c) In the event that a person utilizing a self-determination mode of service delivery or a program manager elects to continue using the services of personnel employed by them prior to the personnel's transfer to a center, those personnel shall be entitled to be compensated in wages and benefits, by the center, at a rate at least equal to the average of that received during the three-month period prior to their transfer.

(d) A program manager may provide gratuities to personnel employed by a center who provide services in the manager's programs, except that these gratuities may only be paid from revenues other than state funds.

4866. The California Health and Human Services Agency shall, no later than January 1, 2005, establish fund transfer procedures, and adopt regulations as may be needed, to utilize funds, allocated to departments within the California Health and Human Services Agency, for purposes of this chapter. The fund transfer procedures shall be designed to enable centers to pay for appropriate workforce costs, including wages, benefits, and center administrative costs. The procedures shall be used by state agencies, regional centers, vendorized agencies, and persons using a self-determination mode of service delivery. The procedures shall also include a method for establishing, annually, each center's allowable administrative costs, accounting procedures, and fund transfer arrangements. The procedures may also provide for advance payments when necessary to ensure efficient implementation of the provisions of this chapter.

4867. It is the intent of the Legislature to adjust, periodically, the reimbursement rates used to control expenditures. Centers are expected to reduce certain costs through the consolidation of payroll functions and large-group leverage on insurance costs.

1 *Conversely, wage and benefit costs are expected to increase over*
2 *time, as worker compensation levels are improved. The State*
3 *Department of Developmental Services and the Department of*
4 *Rehabilitation shall monitor these changes closely and shall make*
5 *any adjustments in their rate structures that may be required to*
6 *reflect the actual cost of providing services, including changes in*
7 *workforce costs.*

8 4868. (a) *The department shall conduct periodic evaluations*
9 *of the workforce development effort established by this chapter and*
10 *collect any information necessary for this purpose.*

11 (b) *The periodic evaluation shall include changes in costs and*
12 *state and federal funding levels, consumer, provider agency, and*
13 *worker satisfaction, changes in worker turnover rates, changes in*
14 *workforce training and competency, and effectiveness of worker*
15 *recruitment and retention efforts. The evaluation shall also*
16 *identify any administrative and procedural problems and make*
17 *recommendations for changes needed to improve the system*
18 *established by this chapter.*

19 (c) *The department shall, annually, make its evaluation report*
20 *available to the appropriate committees of the Legislature, the*
21 *State Council on Developmental Disabilities, and federal officials*
22 *with an interest in California's system of services for persons with*
23 *developmental disabilities.*

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27 4869. (a) *It is the intent of the Legislature that the system*
28 *improvements established in this chapter will enable California to*
29 *conform to the requirements and expectations of federal officials,*
30 *resulting in an increase in federal financial participation.*

31 (b) *It is the intent of the Legislature to implement this chapter*
32 *in a manner that achieves all of the following objectives:*

33 (1) *Introduces efficiencies and cost savings by reducing worker*
34 *turnover rates and consolidating payroll administration and*
35 *purchasing of insurance.*

36 (2) *Organizes and expands the recruitment and training of*
37 *workers to keep pace with system growth, improve the quality of*
38 *services, and improve the quality of life for persons with*
39 *developmental disabilities.*

40 (3) *Expands consumer choice and self-directed services.*

1 (4) *Creates new opportunities for the employment of persons*
2 *with disabilities in worker training programs and as workers in the*
3 *delivery of services.*

4 (5) *Provides greater accountability for expenditures and*
5 *outcomes through periodic evaluation.*

6 (c) *The California Health and Human Services Agency and the*
7 *state departments with responsibilities for administering federal*
8 *funds for developmental services and the training of workers for*
9 *those services, shall meet with federal officials to inform them of*
10 *these changes in the California system and to explore ways of*
11 *securing federal financial participation. Discussion with federal*
12 *officials shall include, but need not be limited to, all of the*
13 *following:*

14 (1) *Potential funding for workforce training from the*
15 *Department of Labor.*

16 (2) *Potential support grants through the federal “Projects of*
17 *National Significance” program (42 U.S.C. Sec. 15081 et seq.) of*
18 *the Administration on Developmental Disabilities within the*
19 *United States Department of Health and Human Services. Family*
20 *support grants are available to assist states in developing and*
21 *implementing a statewide system of family support services such*
22 *as those proposed for the self-determination mode of service*
23 *delivery in this chapter.*

24 (3) *Potential support through the federal Centers for Medicare*
25 *and Medicaid Services’ disabled and elderly health programs,*
26 *utilizing “Systems Change Grants for Community Living”*
27 *funding.*

28 (4) *Potential support from the “Independence Plus”*
29 *demonstration program for family or individual directed*
30 *community services, administered by the federal Centers for*
31 *Medicare and Medicaid Services.*

32 (5) *Potential support of 50.35 percent of the administrative*
33 *costs of centers associated with serving persons with*
34 *developmental disabilities on Medi-Cal and up to 90 percent of*
35 *uniform accounting and data system costs, if centers are*
36 *incorporated into the state medicaid plan.*

37 (6) *Potential expansion of the Home and Community-Based*
38 *Waiver because the changes initiated by this chapter meet federal*
39 *expectations for an expansion of consumer choice and*

1 *self-determination, solutions to the workforce crisis, and a more*
2 *cost-effective administration of the system.*

3 *(d) The Secretary of the California Health and Human Services*
4 *Agency shall report annually to the appropriate committees of the*
5 *Legislature on progress made to improve federal support for the*
6 *California system.*

7 *(e) All federal funds secured to implement the provisions of this*
8 *chapter shall be used exclusively for purposes of this chapter.*

9 4870. *For purposes of funding first-year planning and*
10 *organizational startup costs of implementing this chapter, the*
11 *following shall apply:*

12 *(a) A center may seek and accept grants and donation of funds,*
13 *space, and supplies from any public or private source.*

14 *(b) The department shall give a high priority to the workforce*
15 *development tasks required by this chapter and, to the extent*
16 *feasible, shall redeploy personnel to undertake these*
17 *responsibilities.*

18 *(c) The department shall seek available grants of funds from the*
19 *federal medicaid program for improvements of program*
20 *administration.*

21 *(d) The Program Development Fund, administered by the State*
22 *Council on Developmental Disabilities and described in Section*
23 *4677, is a potential source of support for startup costs, thus the*
24 *council, having identified the workforce crisis in its most recent*
25 *reports and plans, is hereby requested by the Legislature to give*
26 *consideration to contributing to this workforce solution and to the*
27 *expansion of the self-determination mode of service delivery.*

28 4871. *(a) There is hereby established in the State Treasury the*
29 *Developmental Disabilities Workforce Development Fund.*
30 *Moneys in the fund shall be expended by the department, upon*
31 *appropriation by the Legislature, to implement this chapter.*

32 *(b) Moneys collected and transmitted pursuant to paragraph*
33 *(2) of subdivision (b) of Section 103625 of the Health and Safety*
34 *Code shall be deposited in the fund.*

35 SEC. 4. *No reimbursement is required by this act pursuant to*
36 *Section 6 of Article XIII B of the California Constitution because*
37 *a local agency or school district has the authority to levy service*
38 *charges, fees, or assessments sufficient to pay for the program or*

- 1 *level of service mandated by this act, within the meaning of Section*
- 2 *17556 of the Government Code.*

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